

April 1, 2025

EDWARD J. EMMONS, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



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Attorneys for Debtor

The following constitutes the order of the Court.  
Signed: April 1, 2025

A handwritten signature in black ink, which appears to read "William J. Lafferty, III".

William J. Lafferty, III  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re:

Case No. 25-10088 WJL

Kingsborough Atlas Tree Surgery, Inc.

Chapter 11

Debtor.

**ORDER APPROVING DEBTOR'S APPLICATION TO EMPLOY SPECIAL  
COUNSEL PURSUANT TO 11 U.S.C. §327(a), 330, 331 § 1107, AND RULES 2014 &  
2016 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Upon the Application (the "Application") filed by Kingsborough Atlas Tree Surgery, Inc., Debtor and Debtor in Possession herein ("Debtor"), in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case" or the "Bankruptcy Case"), pursuant to section 327(a), 330, 331, and 1107 of the Bankruptcy Code and Bankruptcy Code and Bankruptcy Rules 2014 and 2016, for entry of an order authorizing the employment and retention of Philip J. Terry and the law firm of Carle Mackie Power Ross LLP ("Terry") to represent the Debtor as special bankruptcy counsel in the above-captioned case on the terms described in the Application and as more fully set forth therein (Dkt No. 29); and upon the Declaration of Philip J. Terry (Dkt No. 29-1) and all other submissions filed in support of the Application; and due and proper notice of the Application having been given; and the Court having found that it has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334, that this is a core proceeding under 28 U.S.C. §§ 157 and 1334, that this is a core proceeding under 28 U.S.C. §§ 157(a)-(b) and 1334(b), and that venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409; and the

1 Court being satisfied based on the representations made in the Application and the Terry  
2 Declaration that Terry does not hold or represent any interest adverse to the Debtor's estate in  
3 the above-captioned case and is disinterested under section 101(14) and meets the requirements  
4 for employment under section 327(a) of the Bankruptcy Code; and the Court finding that cause  
5 exists for the entry of this Order, and for authorizing the employment of Philip J. Terry and the  
6 law firm of Carle Mackie Power Ross LLP ("Terry") as special counsel for the Debtor effective  
7 as of the Petition Date, including that such employment as of the Petition Date is in the best  
8 interests of the Debtor's estate;

9 IT IS HEREBY ORDERED that the Application is APPROVED as follows:

10 1. Debtor is authorized to retain and employ Philip J. Terry and the law firm of Carle  
11 Mackie Power Ross LLP as its special bankruptcy counsel in this case, effective as of the  
12 Petition Date, under the terms set forth in the Application. However, Terry may not draw from  
13 the retainer on deposit held in trust until May 1, 2025.

14 2 Terry's compensation and reimbursement in respect to its fees and expenses incurred  
15 representing the Debtor shall be subject to further order of the Court in accordance with the  
16 procedures and standards set forth in sections 330 and 331 of the Bankruptcy Code, such  
17 Federal Rules of Bankruptcy Procedure and local rules as may be applicable from time to time,  
18 and such procedures as may be fixed by order of this Court, as well as the *United States*  
19 *Bankruptcy Court Northern District of California Guidelines for Compensation and Expense*  
20 *Reimbursement of Professionals and Trustees, effective February 19, 2014, and the U.S.*  
21 *Trustee's Guidelines for Reviewing Applications for Compensation and Reimbursement of*  
22 *Expenses Filed Under 11 U.S.C. § 330 by Attorneys in Larger Chapter 11 Cases, effective*  
23 *November 1, 2013.*

24 4. Notwithstanding anything to the contrary in this Order, or the Application, the Court  
25 is not approving terms and conditions of Terry's employment under 11 U.S.C. § 328(a).

26 5. In the event of any inconsistency between the Application and this Order, this Order  
27 shall govern.

28 6. Notwithstanding any provision in the Bankruptcy Rules to the contrary, this Order

1 shall be immediately effective and enforceable immediately upon its entry.

2 7. The Debtor is authorized and empowered to take all action necessary to effectuate  
3 the relief granted in this Order.

4 8. This Court shall retain jurisdiction with respect to all matters arising from or related  
5 to the implementation, interpretation, or enforcement of this Order.

6  
7 \* \* \* END OF ORDER \* \* \*

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11 Approved as to form

12 Fox Rothschild LLP

13 */s/ Jack Praetzellis*

14 By \_\_\_\_\_  
15 Jack Praetzellis  
16 Attorney for Anvil Builders  
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